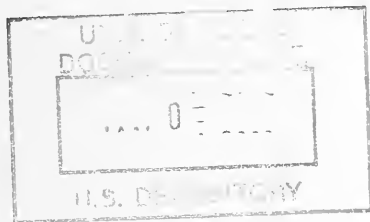


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
FUNERAL SERVICE INDUSTRY

AS APPROVED ON JANUARY 9, 1935



UNITED STATES
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Approved Code No. 384—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FUNERAL SERVICE INDUSTRY

As Approved on January 9, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FUNERAL SERVICE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an Amendment to the Code of Fair Competition for the Funeral Service Industry, and hearings having been duly held thereon, and the annexed report on said amendment containing findings with respect thereto having been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report, and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*

Approval recommended:

HARRY C. CARR,
Acting Division Administrator.

WASHINGTON, D. C.,
January 9, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Funeral Service Industry, as revised after a Public Hearing held in the Raleigh Hotel, Washington, D. C., October 6, 1934.

In accordance with customary procedure every person who had filed a request for appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

PROVISIONS OF THE AMENDMENT

The Amendment contains the following provisions designed to promote fair competition and to effectuate the purposes and policies of Title I of the National Industrial Recovery Act by increasing voluntary Code compliance.

1. A provision which prohibits members of the Industry from advertising or publicly offering "free" funeral merchandise or service.

2. A provision which establishes a minimum wage rate for employees whether they be employed on a full-time, part-time or per case basis.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

- (a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purposes of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industry, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increased purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

- (b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act including without limita-

tion Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons it has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 9, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FUNERAL SERVICE INDUSTRY

(1) Amend Article VII by adding a new Section to be known as Section 15, as follows:

15. No member of the Industry shall use the word or words "free", "gratis", "free of charge", "no added charge", or other words of similar meaning, tenor or effect, with any advertisement or in connection with any public offering of any item of funeral merchandise or service.

(2) Amend Article IV, by deleting Section 1 and substituting in lieu thereof the following:

1. No employee shall be paid less than Fifteen dollars (\$15.00) per week, for a 40-hour week or Forty cents (40¢) per hour when employed on an hourly basis, except lawful embalmers and those conducting funerals who shall be paid not less than Twenty-five dollars (\$25.00) per week for an 84-hour week. No embalmer employed to prepare a body on a per case basis shall be paid less than Fifteen dollars (\$15.00) for the body of a person of ten or more years of age and/or less than Ten dollars (\$10.00) for the body of a person less than ten years of age. The word "prepare" shall include dressing and placing the body in the casket. In all cases where an embalmer furnishes the embalming fluid, he shall receive in addition to the embalming fee an amount equal to the actual cost of such embalming fluid.

Approved Code No. 384—Amendment No. 3.
Registry No. 1749-04.

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